

Great Lakes—St. Lawrence River Basin Water Resources Council

Meeting Summary

June 27, 2019

9:45 a.m. EDT

Indiana State Capitol

Senate Committee Room 233

200 W. Washington Street

Indianapolis, IN 46204

Remote participation was available to individuals registering at:

<https://attendee.gotowebinar.com/register/5837379099237402893>

Listen only mode was available by calling:

Canada: 647/497-9429

United States: 914/614-3429

Passcode 355-403-356

Notice:

Notice of the meeting was provided to the public through the Great Lakes Information Network's distribution list on May 28, 2019. Notice was also posted to the Great Lakes-St. Lawrence River Water Resources Council (Compact Council) website at www.glscompactcouncil.org. The notice included an announcement that the meeting agenda, draft resolutions and materials to be discussed during the meeting were available on the Compact Council's website. Call-in information was also posted to the front page of the Compact Council website.

Call of Meeting:

9:45 a.m. EDT— The meeting was called to order by Chris Smith, alternate of Governor Eric Holcomb.

Roll Call:

The following Compact Council members, constituting a quorum, were present:

Illinois (alternate of Governor J.B. Pritzker): No Designee present.

Indiana (alternate of Governor Eric Holcomb): Chris Smith, Deputy Director, Indiana Department of Natural Resources.

Michigan (alternate of Governor Gretchen Whitmer): Emily Finnell¹, Great Lakes Senior Advisor and Strategist, on behalf of James Clift, Deputy Secretary, Michigan Department of Environment, Great Lakes & Energy.

Minnesota (alternate of Governor Tim Walz): Jess Richards, Assistant Commissioner, Minnesota Department of Natural Resources.

New York (alternate of Governor Andrew Cuomo): Don Zelazny¹, on behalf of James Tierney, Assistant Commissioner, New York State Department of Environmental Conservation.

¹ Signed proxy forms for individuals participating on behalf of official member alternates are available upon request.

Ohio (alternate of Governor Mike DeWine): Mike Hallfrisch¹, Water Planning Program Manager, on behalf of Mary Mertz, Director, Ohio Department of Natural Resources.

Pennsylvania (alternate of Governor Tom Wolf): Tim Bruno, Chief, Office of the Great Lakes, Pennsylvania Department of Environmental Protection.

Wisconsin (alternate of Governor Tony Evers): Todd Ambs¹, Assistant Deputy secretary, on behalf of Preston Cole, Secretary, Wisconsin Department of Natural Resources.

Actions Taken

Review of June 27, 2019 Compact Council meeting minutes

Mr. Smith asked for a motion that the June 27, 2019 Compact Council meeting minutes be approved as posted. Mr. Bruno moved to approve, and Mr. Ambs seconded the motion. The minutes were approved without objection.

Reports

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Mr. Richards to incorporate minutes of the Regional Body reports into the Compact Council minutes. Mr. Hallfrisch seconded the motion. The motion was approved. Pursuant to the approved motion, the following reports are incorporated by reference into the Compact Council's record and re-printed in their entirety below:

State updates on implementation of the Great Lakes—St. Lawrence River Basin Water Resources Compact (Compact).

Indiana

Mr. Smith reported that as part of the 5 year program review Indiana has completed the Water Management and Conservation and Efficiency Program Review Work plan and Questionnaire. It will be submitted to the secretariat on Friday. The only major program change for Indiana since the last review was the adoption of administrative rules establishing a process for abandonment of baseline volumes that go unutilized.

As mentioned at the previous meeting, Indiana was in the process of reviewing a transferring ownership of a Significant Water Withdrawal Facility. The State Line Energy LLC facility was transferred to Sam Townline Development, Inc. The facility has a baseline capacity of 910.08 MGD and a Consumptive Use of 18.202 MGD. There were no proposed changes to increase the capacity.

Staff within the DNR continue to talk with our counterparts at Ohio DNR and Ohio EPA about the proposal to supply water to the western Toledo suburbs from the Michindoh Aquifer. Indiana has expanded its monitoring wells within the aquifer. At this point Indiana has three monitoring wells located within close proximity to the state line.

Indiana DNR in cooperation with the Indiana Finance Authority have undertaken a central Indiana water availability study. Mr. Smith noted that Ryan Mueller, with the

Division of Water, will be providing an overview of the project later in the agenda. Similar studies are anticipated for the remainder of the state, including the GL basins.

Finally, Indiana DNR's communications staff are continuing an effort to seek opportunities to use their social media platforms to educate their citizens on the Great Lakes water resource and how the GL jurisdictions work together to for their protection and enhancement.

Michigan

Ms. Finnell reported that Michigan's Office of the Great Lakes and Water Use Program were recently reorganized as part of an Executive Order issued by Governor Whitmer that took effect on April 22, 2019. The EO established a new agency called the Department of Environment, Great Lakes, and Energy or EGLE.

Ms. Finnell also reported that Michigan has completed its preliminary responses for the draft 5 Year Water Management and Water Conservation and Efficiency Program Review as required by the Great Lakes Compact and will be submitting its report on time. Michigan intends to make its draft report available for public feedback in early July and will post the report on the department's environmental calendar. The State will also be providing the report to Michigan tribal governments for their review and comment and may host a conference call to the tribes if they are interested. The Water Use Advisory Council (WUAC), an external advisory group of stakeholders that advises the state on implementation of its water use program, will also be invited to review and comment on the report. An opportunity for discussion and comment will be made available at the WUAC meeting held in July 2019.

Ms. Finnell noted that the 2019 report is very similar to the 2014 with a few changes and updates. Notably, Public Act 209 of 2018 amended Michigan's statute (Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; NREPA) to create an alternative analysis process for large quantity withdrawals (LQW) ≤ 1 MGD that cannot be authorized by the Water Withdrawal Assessment Tool (WWAT). The property owner hires a qualified consultant to submit an analysis of the proposed withdrawal and EGLE has 20 or 25 (under limited circumstances) business days to make its decision or else the proposed LQW is authorized by operation of law. To date, EGLE received 4 alternative analysis submittals: the first 2 were ineligible (> 1 MGD), the third was administratively incomplete and returned to the applicant, and the 4th (a resubmittal of the 3rd) is currently under review. The conventional site-specific review process is still available for proposed LQWs that can't be authorized by the WWAT.

Ms. Finnell also reported that the Cass County Pilot Study, a public private collaborative study of a heavily irrigated county in Southwest Michigan, is scheduled to be completed by the end of September with the final study products due a month later. The study products include groundwater models for 5 sub-watersheds and additional glacial

geology, groundwater, stream flow, and streambed conductance data. The U.S. Geological Survey completed another study in two other watersheds in the west central Lower Peninsula, whose final report is under internal agency review. This study included the use of fiberoptic cables and thermal imaging cameras to identify groundwater discharge zones in streams, groundwater, stream flow, and streambed conductance data, as well as a groundwater/surface water model.

Ms. Finnell further reported that Michigan's Water Use Advisory Council stakeholder group was codified in statute (Part 328, Aquifer Protection, of the NREPA) and some of its membership has changed. The newly reformed council will have its first meeting in July 2019. Part of the initial work of this council will be to review the 69 recommendations the previous council made in its December 2014 final report, prioritize those recommendations, identify any other issues that are a priority, and provide direction and feedback to EGLE on its implementation of Part 327 of the NREPA.

Finally, Ms. Finnell reported that in 2019, the Michigan Department of Agriculture and Rural Development instituted a new online water use reporting data base for agricultural reporting. The new system will continue to require all reporting criteria but will allow for greater administrative functions.

Minnesota

Mr. Richards reported that the State working on responses to five year report. Also a number of activities related to Lake Superior Restoration. The Lake Superior Collaborative has met twice in 2019 in quarterly meetings and is planning on an annual meeting targeting internal staff in partners to take place in 2020. The objective of the collaborative is to enhance the State's participation in Great Lakes programs, responsibilities and initiatives and to coordinate lakewide activities on a broad scale across jurisdictional programs to advance Lake Superior restoration and protection priorities.

Also, the Grassy Point/Kingsbury Bay habitat restoration work is just kicking off. This is the largest habitat restoration project that the Minnesota Department of Natural Resources has ever done. It's a \$15 million plus project in the Grassy Point, Kingsbury Bay and St. Louis River estuary. The partnership between State, Tribal and Federal agencies has led to an integrated design to address legacy wood waste and long term sedimentation impacts on the aquatic habitats. This project will help achieve Minnesota's Area of Concern delisting targets, restore key fish and wildlife habitats, involves the excavation of historic sawmill waste and is set to begin in July. It's funded by the Minnesota Clean Water Land and Legacy Amendment, through Outdoor Heritage Fund, the Great Lakes Legacy Act through the U.S. EPA's Great Lakes National Program Office, and the Natural Resource Damage Assessment Recovery Settlement from the St. Louis River interlake Duluth Tar superfund site.

Mr. Richards also reported that Minnesota has also ramped up their work on coastal hazards. This is a coordinated team effort to address coastal erosion and flooding the State just recently updated their all hazard mitigation plan and for the first time this plan is covering coastal erosion that causes flooding. Locally, Minnesota DNR is joining with partners to explore efforts to maintain coastal erosion data, mitigation plans, expand outreach, and share information about lake levels.

Mr. Richards further reported that the State has passed through about \$500 thousand to local projects to create vibrant and healthy safe coastal areas. Since July, 2018, 18 communities, non-profits, and academic institutions have completed about 32 projects to enhance public access to the coasts, to protect streams and rivers, and improve coastal habitat and build sustainable communities.

Finally, Mr. Richards reported that in looking forward, that the State is part of the Great Lakes Coastal Resilience Study. The proposed study will investigate opportunities to improve resilience within both the built and natural coastal environments across the Great Lakes basin. Further, it will result in a plan that identifies vulnerable areas and recommends measures to increase resilience with a number of partners as well.

New York

Mr. Zelazny reported that once again New York finds itself in a similar position as the Spring of 2017 when the State of New York was dealing with an overabundance of water, especially in New York's Lake Ontario/St. Lawrence River watershed. Following two record high water levels year since 2017, New York has been working diligently this past year on updating New York's State multi-hazard mitigation plan addressing flooding issues and water management along the coastal zones of our Great Lakes and St. Lawrence river.

Mr. Zelazny next reported that New York completed the five-year implementation of New York's inventory of regulatory water withdrawal supply program in which the State converted all previously permitted public supply and registered water withdrawals from other sectors to new permits for compliance with the Compact. Only agricultural users that reported annually under registrations issued prior to 2012 are exempt.

In addition to completing that conversion to new permits, Mr. Zelazny reported that New York worked with all of the water users to ensure that they understand the required water conservation and efficient use requirements that go along with the water withdrawal program. New York has been working with individual permittees to help refine their actual water withdrawal and consumptive use estimates in their annual water use reporting. New York's outreach efforts have been especially effective in identifying some of the smaller water withdrawals that are seasonal in nature (e.g. golf courses and summer camps). Overall, the State has been working to refine the overall water withdrawal database.

Mr. Zelazny reported that New York is still working on its five year program report and does not expect that the State will not be able to meet the July 1 deadline, but are endeavoring to submit to the secretariat as soon as possible.

Ohio

Mr Hallfrisch reported that so far in 2019, 4 new water withdrawal facilities were registered in the Lake Erie Basin. One facility was for construction dewatering, one was for dust control, and two were for crop irrigation.

He also reported that in 2019, no new diversion, or water withdrawal and consumptive use permits were applied for or issued within the basin. He also noted that 98 percent of the 571 active registered water withdrawal facilities within the basin have completed and returned their 2018 annual water use reports. We are on track to achieve 100% compliance for the fourth year in a row.

Mr. Hallfrisch reported that the water conservation & efficiency webpages on ODNR's Compact website continue to be updated, and that the Division of Water Resources staff continue to develop their on-line water withdrawal reporting website, which they hope to have ready for the 2019 water use reporting year.

Finally, Mr. Hallfrisch reported that Mary Mertz was appointed Director of the Ohio Dept. of Natural Resources in January. Further, in March Rodney Tornes was appointed Chief of the Division of Water Resources.

Pennsylvania

Mr. Bruno reported that Pennsylvania continues to implement the requirements of the Compact and Agreement through facilitating state and local programs focusing on wise water use.

Mr. Bruno noted that Pennsylvania Department of Environmental Protection (DEP) is reviewing reporting of Great Lakes water withdrawal and use statistics for Water Year 2018 and following up with users that have yet to report as required in the Water Resources Planning Act (PA Act 220 of 2002). Early reporting trends indicate no significant departures from Water Year 2017 usage. He also stated that Pennsylvania anticipates an on-time submittal of water use information to incorporate into overall reporting around the Great Lakes Basin from other jurisdictions.

Mr. Bruno next reported that looking forward to late 2019 and early 2020, DEP is adding additional staff to revise the Pennsylvania State Water Plan. The Great Lakes Regional Water Resources Committee, as well as other committees from basins across Pennsylvania, will aid the collection and dissemination of water data, prioritization of resource availability and protection, and the formation of water use policies in the Pennsylvania Basin.

In addition, Mr. Bruno reported that DEP will continue an initiative that extends conservation and efficiency education and training to public water suppliers in PA's Great Lakes Basin and surrounding area. "Water Loss Management Training" sessions will be held September through November 2019 and increase operator specific system-level understandings of water infrastructure management and help Pennsylvania meet its conservation and efficiency goals through reductions in leakage and increased efficiencies by public water suppliers.

Finally, Mr. Bruno reported that DEP provided a grant to Penn State University to plan and implement the 2019 Great Lakes Children's Water Festival in May 2019. The Penn State University Behrend Campus hosted over a thousand 5th grade students from school districts within and surrounding the Lake Erie Basin in Pennsylvania to learn exclusively about water conservation and efficiency issues and link awareness to Great Lakes issues.

Wisconsin

Mr. Ambs reported that Wisconsin Governor Tony Evers declared 2019, Wisconsin's Year of Clean Drinking Water to focus attention on addressing drinking water quality issues including lead service lines, nitrates and bacteria in drinking water, and PFAS problems. Efforts to address these issues are included as budget priorities in the Wisconsin FY20-21 biennial budget.

Mr. Ambs next reported that Wisconsin approved a diversion to the Straddling Community of the Village of Mount Pleasant in 2018. The approval allows the City of Racine to divert up to 7 MGD of water to the portion of Mount Pleasant in the Mississippi River Basin. The DNR approval was challenged by several environmental non-governmental organizations disputing DNR's interpretation of "public water supply purposes". DNR granted the petition for hearing and several prehearing conferences were held with the parties and the Administrative Law Judge. All briefs were submitted to the Administrative Law Judge for review by mid-March. A decision from the Administrative Law Judge was issued June 7, 2019 upholding the DNR diversion approval. The decision is posted on the DNR website.

<https://dnr.wi.gov/topic/WaterUse/Racine/> The City of Racine has constructed the necessary infrastructure to divert water to the Mount Pleasant diversion area, but have not begun diverting water yet.

Mr. Ambs next reported that the City of Waukesha continues to work on applications for various permits. The switch to Lake Michigan water is still expected to occur in 2023. The Wastewater facilities plan has been approved, and we expect the wetland and waterways permit, final environmental impact statement and the WPDES permit to be issued for public comment soon. Information on public comment periods will be posted to the DNR website, [City of Waukesha diversion page](#).

Finally, Mr. Ambs reported that Wisconsin DNR is 2 years into a four-year study evaluating impacts of groundwater withdrawals on three specific lakes in the Central Sands region of Wisconsin. In the past year WDNR and its partners have been collecting water quantity data at three streams, three lakes, and 21 wells near the lakes to improve our understanding of the water budget. The DNR has also partnered with UW and the agricultural community to directly measure evapotranspiration, a critical component to consumptive use. Additional information is available at the DNR website, [Central Sands Lakes Study](#).

Administrative reports.

Mr. Smith invited Peter Johnson on behalf of the Regional Body's Secretariat, to give an administrative report.

In his administrative report, Mr. Johnson noted that the "every five-year" reports on water management programs and conservation and efficiency programs are due to be reported in December of 2019. However, as indicated by several of the jurisdictions it is the hope and intention that each of the jurisdictions will be submitting a preliminary draft to the secretariat by July of 2019, which will be posted to the Regional Body website. Interested persons are invited to review the reports and ask questions of the jurisdictions about the reports. These reports will then be revised and formally submitted in December of 2019. Following the official submission of the reports, they will be reviewed by the States and Provinces, and Declarations of Finding are intended to be issued by December of 2020.

Mr. Johnson also reported that another project that will begin shortly will be Phase II of the Procedures Updates. Phase I was completed in December of 2018, and it was announced that Phase II would begin in 2019. Now that most of the appointments to the Regional Body and Compact Council are in place, work will begin shortly.

Mr. Johnson also reported that the development of a Science Strategy has begun. A Science Team has been formed and charged with the development of a Science Strategy for the Regional Body and Compact Council's consideration. He noted that there was a call in February with Tribes/First Nations/Métis as well as with the Advisory Committee, Resource Group and Observers to discuss the workplan and activities going forward. Since, the Science Team has been developing a discussion draft to share with those groups, and look forward to discussions with them in the coming months as the draft strategy is further developed.

Finally, Mr. Johnson noted that a budget for some FY 2020 and all of FY 2021 will be considered at the December meeting.

Mr. Smith introduced Mr. Ryan Mueller, Director of the Division of Water Resources at the Indiana Department of Natural Resources to talk about the Central Indiana Water Availability study. The following is an overview of Mr. Muller's report:

The Drought of 2012, while relatively short-lived, impacted much of the Midwestern United States and demonstrated the importance for states to develop or update water resource management plans. Discussions within the Indiana General Assembly provided the direction to begin evaluating water resource availability, future demand and associated water infrastructure needs on a regional scale. During the spring of 2019, the Indiana Finance Authority initiated the Central Indiana Water Study to evaluate the water resources within a 9-county region in Central Indiana. This study framework will be applied throughout the state, including the Great Lakes region.

- The Central Indiana Water Study is led by the Indiana Finance Authority and is being coordinated with state and federal agencies, water utilities and other stakeholders.
- The study consists of 5 phases and is scheduled to be completed by the end of 2020.
- Phase I is an evaluation of current (baseline) water use and a 50-year water demand forecast (out to 2070). Phase I will evaluate the use and future needs of all sectors including water utilities, industry, agriculture, energy, mining and self-supplied domestic. Phase I will also evaluate a range of growth scenarios, historic and future weather and climate scenarios, and water conservation measures
- Phase II is an evaluation of existing water resource monitoring networks (stream gages, ground water wells, weather stations), including the identification of gaps where new monitoring capabilities should be considered. Up to 10 new or enhanced stream gages and 12 new or enhanced groundwater level monitoring wells will be added during this phase. In addition, existing monitoring sites will be evaluated for their suitability to add additional parameters of hydrologic cycle such as precipitation, soil moisture, temperature, wind speed, relative humidity, solar radiation, etc.
- Phase III will result in the construction of a regional groundwater model that incorporates the surface-groundwater interactions within area streams and reservoirs. The model will be used to demonstrate the response of the aquifers to future demand and drought scenarios identified in Phase I, and is intended to provide an operational tool for utilities and water managers.

- Phase IV will evaluate the infrastructure needs and opportunities for the region based on the results of phases I and III. This may include concepts such as the alignment of a regional water transmission system and/or the need to identify new water supplies to meet the long term regional demand. Phase IV will begin upon the completion of phases I and III.
- Phase V will provide consistent public education, outreach, and messaging throughout the study duration. This includes the development of educational materials, continued messaging regarding the purpose of the study and outcomes from the various phases, opportunities for stakeholder input and feedback and project implementation plans.

Mr. Smith then opened up the floor to questions from the Regional Body.

Mr. Bruno noted that the work through Phase IV seemed to be pretty extensive. He asked how much work was being done by the State v. contractors.

Mr. Mueller said that the contractors for Phases I and III will do the majority of the work. However, the State will do the water data collection and may have regional expertise on geology that will be included throughout that process. Consequently, the State will be in consultation with the consultants during the process. During Phase II, where we are identifying gaps in the network and identifying new locations for stream gauges and monitoring wells, the State will work in partnership with USGS. In addition, the State is also reaching out to a number of other agencies, such as the Weather Service, Department of Homeland Security, the Indiana Division of Environmental Quality, so that monitoring sites can be identified that may have multiple benefits. That include potential flood forecasting, key points for water quality monitoring, and even points that would be of interest to recreational groups. Consequently, long term appropriations can be justified to keep these multi-benefit monitoring sites running.

Ms. Finnell asked Mr. Mueller to speak to partners that are involved. Mr. Mueller responded by noting that the Indiana Finance Authority is in the coordinating role, the Indiana “silver jackets program,” which is a multi-jurisdictional program at the U.S. Army Corps of Engineers, was asked to be engaged to help identify monitoring site locations. Because the IFA is the coordinator, Water Utilities are the primary cooperator. However, through the outreach efforts of the State all sectors are being engaged. Indiana University and Purdue University are participating primarily due to their interest in the weather stations and future climate assessment models that the universities are developing that the State is hoping to incorporate into future demand forecasts.

Opportunity for public comments.

Noting that the Regional Body meeting adjourned immediately prior to the Compact Council meeting, a motion was made by Ms. Finnell to incorporate minutes of the Regional Body reports into the Compact Council minutes. Mr. Bruno seconded the

motion. The motion was approved. Pursuant to the approved motion, the following reports are incorporated by reference into the Compact Council’s record and re-printed in their entirety below:

Marc Smith, National Wildlife Federation

Mr. Smith thanked the Regional Body and Compact Council for allowing stakeholders to help work with the jurisdictions in submitting the every five year water management and water conservation and efficiency program reports. Specifically, he greatly appreciated that the preliminary draft reports will be posted to the websites to allow input on the reports. Mr. Smith considered it was a great opportunity to make the end result much better. He wanted to place a “big thank you” on the record for this action.

New Business

There was no new business.

Other Business

No other business was raised.

Adjournment

Mr. Smith invited a motion to adjourn and a second. Mr. Hallfrisch moved and Mr. Richards seconded the motion. The motion passed without objection and the meeting was adjourned.

The full text of the materials discussed at the meeting is available online at www.compactcouncil.org.